UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MEDEVA PHARMA SUISSE A.G. and PROCTER & GAMBLE PHARMACEUTICALS, INC., Plaintiffs, v. ROXANE LABORATORIES, INC., Defendant.	Civil Action No. 07-5165 (FLW)(TJB) *Document electronically filed.*

[Proposed] ORDER GRANTING PLAINTIFFS' MOTION TO SEAL THE COURT'S LETTER ORDER OF JUNE 23, 2009

This matter having been brought to the Court through Plaintiffs' Motion to Seal pursuant to Local Rules 5.3(c) and 7.1 filed July 8, 2009 and Plaintiffs' Declaration of Sheila F. McShane, and this Court having fully considered any other submissions in further support thereof, and any opposition thereto, as well as the record before it, the Court makes the following findings:

IT IS this _____day of________________, 2009;

THE COURT FINDS that on May 21, 2008, a Stipulated Protective Order was entered in this litigation.

THE COURT FURTHER FINDS that portions of the following materials contain either documents, information garnered from the documents, and/or portions of deposition transcripts, which have been designated as "Confidential" or "Highly Confidential" by the parties in this case pursuant to the Stipulated Protective Order:

- ***Letter Order of June 23, 2009 as to Plaintiffs' Motion to Disqualify Dr. Alan Safdi as an Expert***

Portions of Pages 3 and 5.

THE COURT FURTHER FINDS that this is a patent action that involves confidential information and, specifically, the documents or portions of documents listed above contain confidential information regarding business strategies, that Plaintiffs have a legitimate interest in protecting this information as confidential, because its competitors in the marketplace could utilize the information to gain an unfair competitive advantage to their detriment.

THE COURT FURTHER FINDS that the interests of the public that warrant granting an Order to Seal include the interest of not burdening litigants' access to the Court by requiring public disclosure of valuable confidential information as a condition of litigating their rights.

THE COURT FURTHER FINDS that the clearly defined and serious injury that would result should the Order to Seal not be granted is that valuable business and trade secrets created at substantial expense by the Plaintiffs will be lost and competitors would unjustly gain access to them. Specifically, Plaintiffs' confidential research information would be revealed to their competitors and these competitors would unjustly gain the ability to thwart, anticipate or usurp those plans and strategies to the competitors' advantage and the parties' loss.

THE COURT FURTHER FINDS that no less restrictive alternative is available to prevent the defined and serious injury to the parties due to the fact that the parties rely on the confidential materials in support of their respective memoranda of law.

THE COURT FURTHER FINDS that Plaintiffs complied with the dictates set forth in Local Civil Rule 5.3(c)(2) and in case law related thereto.

THEREFORE, for good cause shown, based on the Stipulated Protective Order and in order to preserve the confidentiality of the aforementioned documents;

IT IS ORDERED that the Court's Letter Order of June 23, 2009 (Docket Entry 87) as to Plaintiffs' Motion to Disqualify Dr. Alan Safdi as an expert for Roxane shall be maintained under seal by the Clerk of the Court.

Honorable Tonianne J. Bongiovanni, U.S.M.J.